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Sen. Brown's legislation to protect property owners approved by Senate, nears final passage

LANSING – Legislation sponsored by Sen. Cameron S. Brown, R-Fawn River Township, to protect the rights of property owners across Michigan, was passed by the Senate Thursday and is now one step from the governor's desk.

The passage of the Senate Bill 693 comes on the eve of the one-year anniversary of the surprising U.S. Supreme Court decision that allowed for the seizure of private property for economic development projects.

"One year after the shocking U.S. Supreme Court ruling that put our fundamental private property rights at risk, we have passed legislation that will codify those rights into Michigan law from this point forward," Brown said. "There should be no question in the minds of Michigan residents that their private property rights are protected – they are at the heart of our liberties."

The 5-4 *Kelo vs. City of New London* decision of 2005 upheld a Connecticut city's effort to force several residents to sell their homes so they could be demolished to make room for an office complex. According to the majority opinion, the decision was made based on cases in which the court previously interpreted "public use" to include urban revitalization and land redistribution in addition to more traditional projects such as bridges and highways.

The court also ruled that states and municipalities have the right to make their own individual laws regarding the seizure of private property for the public good.

"The court's ruling left the door open for the states to pass measures to protect against the type of government taking that it allowed in the *Kelo* ruling," Brown said. "Senate Bill 693 does just that."

Brown's bill codifies in statute the 2004 Michigan Supreme Court *Wayne Co. vs. Hathcock* decision, which identified extremely limited circumstances in which a taking of private property for private use is acceptable.

The bill also places the burden of proving public use upon the condemning authority.

"My bill places into law what our own Michigan Supreme Court has so appropriately ruled – private property should not be taken for private economic development purposes or for bolstering tax revenues," Brown said. "State government must protect the rights the U.S. Supreme Court chose not to."

The bill, which has been amended in both chambers since originally being introduced, now awaits final concurrence from the House of Representatives before being sent to the governor.

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